

REMARKS

This Request for Reconsideration is filed in response to the Final Action mailed July 21, 2006 in which the examiner maintained the rejection of claims 1-16 but on a new ground, i.e., obviousness under 35 U.S.C. Section 103(a) as being unpatentable over Bridgelall (U.S. 6,717,516) in view of Ayatsuka et al (US2004/0015625).

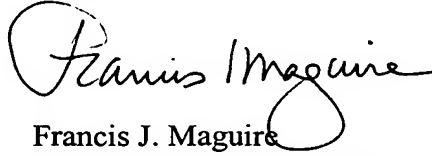
A review of the newly cited Ayatsuka et al reference reveals a 102(e) date of June 12, 2003 which is the date of receipt of all of the 35 U.S.C. Section 371 requirements. The reference does not qualify as a 102(e) reference by virtue of its PCT filing date in Japan because it was not published in English which is a requirement of 35 U.S.C. Section 102(e)(2). See publication WO/2002/093347 which clearly shows that the Ayatsuka et al reference was published by WIPO in Japanese. This publication does not qualify as a 102(a) or 102(b) reference either because the publication date is after applicants' US filing date of June 26, 2002 of US provisional application 60/392,732 from which priority is claimed.

Therefore, it is unnecessary to address the merits of the rejection since the Ayatsuka et al reference does not qualify as a prior art reference under any section of 35 U.S.C. Section 102.

Withdrawal of the 35 U.S.C. Section 103(a) rejection of claims 1-16 is requested.

The objections and rejections of the office action of July 21, 2006, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-16 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script that reads "Francis J. Maguire". The signature is written in black ink and is positioned above the printed name and title.

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